IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7342 of 1989

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRINCE KHANDSARI & GUR UDYOG

Versus

STATE OF GUJARAT

Appearance:

MR PM RAVAL for Petitioner

MR ND GOHIL AGP for Respondent No. 1, 3

NOTICE SERVED for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 07/04/2000

ORAL JUDGEMENT

Learned advocate Mr. Raval appearing for the petitioner is not present even on the second call. Heard learned AGP Mr. Gohil for the respondents.

The present petition arises of an application for license made under the Gujarat Gur and Khandsari Sugar (Regulation of Production) Order. 1977. It appears that the petitioner is a registered partnership firm and had applied for licence for the year 1982-83 under the aforesaid Order for manufacturing Gur. After couple of remand orders, under order dated 22nd February, 1989, the petitioner's application for licence was rejected. The said order was confirmed in appeal by the State Government on 8th June, 1989. Therefore, the petition.

Upon perusal of the impugned orders dated 22nd February 1989 and 8th June, 1989, it appears that the licence asked for by the petitioner was rejected with a view to avoiding unhealthy competition and with a view to giving a boost to the co-operative sector. It is stated that in the area, as many as 14 (authorised and unauthorised) Khandsari Mills were operating. One of them i.e. Talala Khandsari Udyog was run by the co-operative sector. Considering the need for sugarcane of these manufactories and the extent of crop, grant of licence to a new manufactory was not considered advisable. Further one of the partners of the petitioner firm was also a partner in one Ghanshyam Khandsari Udyog, to which the licence was ordered to be granted on 5th October, 1988. Therefore, also it was not considered advisable to grant two licences to the same person.

In my view the licence sought for by the petitioner has been rejected for cogent reasons. In view of the concurrent finding of fact by the authorities below, the impugned orders do not warrant interference. Further in view of the passage of time, no licence can be granted for the year 1982-83 as prayed for by the petitioner firm. Therefore also the matters at issue in this petition have become academic.

In view of the above discussion, the petition is dismissed. Rule is discharged. It is however clarified that this order shall not preclude the petitioner-firm from applying for a fresh licence, and if such an application is made, the same shall be decided in accordance with law.

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JOSHI